

To: Ex. 6 - Personal Privacy
Bcc: Kelley, Jeff[kelley.jeff@epa.gov]
From: Swenson, Peter
Sent: Thur 8/31/2017 7:04:22 PM
Subject: Back Forty Project/Aquila Resources

Dear Ex. 6 - Personal Privacy

Thank you for your recent email message expressing concerns about the proposed Aquila Resources Inc. Back Forty Project in Menominee County, Michigan.

As currently proposed, the Back Forty Project requires a number of permits, including permits required by federal statute. The State of Michigan has the authority and responsibility to review permit applications and issue these permits. In its oversight role, EPA reviews the State's permits to ensure their consistency with federal statutes. EPA has engaged with the Michigan Department of Environmental Quality (MDEQ) on each of the following permits required by federal law:

Clean Air Act Permit: During the public comment period, EPA stated its concerns with some of the draft air construction permit conditions. As part of its permitting process, MDEQ provided a response to comments document addressing EPA's comments and all comments received during the public comment period at time of final air construction permit issuance. MDEQ revised certain permit conditions to address EPA's concerns.

Clean Water Act Section 402 Permit (wastewater discharge permit): EPA provided comments on the draft permit during the public comment period. MDEQ provided a revised permit and the State's responses to comments. EPA provided additional comments to MDEQ on the revised permit. EPA's comments were focused primarily on toxicity testing and ambient monitoring requirements. EPA's comments were accepted by MDEQ and incorporated into the permit before it was issued on April 5, 2017.

Clean Water Act Section 404 Permit (wetlands permit): In August 2016, EPA objected to MDEQ issuing a 'Wetlands and Inland Lakes and Streams Permit.' Aquila Resources Inc. subsequently withdrew its MDEQ permit application. In January 2017, Aquila Resources Inc. re-applied to MDEQ. After MDEQ completes review of the application for completeness, MDEQ will issue a public notice, at which time, the public, tribes, and EPA will have an opportunity to provide comments. EPA will provide a thorough review of the revised permit application at that time. The past wetland application materials are located at miwaters.com, and the wetlands public notice will be posted there once it is issued.

Michigan also maintains state authority to issue mining permits under Part 632 of its Natural Resources and Environmental Protection Act. EPA does not have authority to oversee the State's Part 632 permits. If you have formal comments you wish to make, we recommend you submit them to the MDEQ within the relevant comment period.

EPA is committed to ensuring that permits issued by MDEQ for the Back Forty Project comply

with applicable federal environmental protection laws.

Thank you for your continued interest in this matter.

Peter Swenson (WW-16J)

Chief, Watersheds and Wetlands Branch

U.S. Environmental Protection Agency, Region 5

From: [REDACTED] **Ex. 6 - Personal Privacy**
 Sent: Wednesday, August 30, 2017 11:32 AM
 To: PolicyOffice <PolicyOffice@epa.gov<<mailto:PolicyOffice@epa.gov>>>
 Subject: Back Forty Project/Aquila Resources

Aquila Resources, a fledgling Canadian exploration company, proposes to operate an open-pit sulfuric mine within 100' of the Menominee River in Menominee County, in Lake Township, outside of Stephenson, Michigan. This is a boundary water for Michigan and Wisconsin, which flows into Green Bay and Lake Michigan. They plan on mining for lead, zinc, gold and silver.

They will be processing on-site, using cyanide and discharging 1.5 million gallons into the river daily for the life of the mine. Tailings will be stored on-site also. I have attached information on the specifics.

This company has applied for 7 year permits and openly states the life of the mine will be 16 years. Their plan is to mine above and below ground. Thus the impact studies and other documentation provided to the MDEQ is false. This is not an accurate projection of draw-down or wetland impacts. The entire area is comprised of wetlands and inland lakes, not to mention part of the last remaining oak & pine barrens of its kind in Michigan. Our concerns go beyond the 16 years as they have their sights set on Faithorn, Gourley & Holmes Townships. Will they then in turn process at this same site? It does not seem feasible for them to build many processing plants in the same area. They are also looking for deposits in Wisconsin. With the "Prove It First Law" they will be hard pressed to expand unless that law is repealed.

We have great concerns with the behavior of the MDEQ. Joe Maki did publicly state when asked if he knew of a sulfide mine that had not polluted and he stated, "I do not." He will not attend any board meetings to answer questions or provide information. The emails attached were obtained through a FOIA request. They were the only ones submitted in 1-1/2 year span of time, which does not seem credible. With the Flint Crisis the credibility of the MDEQ has deteriorated and I hope you can understand our concerns.

The Menominee Indian Nation has filed a lawsuit against the MDEQ. They have sacred burial sites and other cultural sites present in the footprint of the mine. Aquila is proposing to the MDNR a land swap where some of these sites are located. There is an ongoing land swap petition to the MDNR from residents in opposition of this land swap.

There have been many resolutions passed in opposition to this mine. That information is also attached.

We ask that you please become involved at a federal level. This mine's impact is too great a risk to too many people and their drinking water.

Respectfully,

Ex. 6 - Personal Privacy

<Stop the Mine Brochure.pdf>

<FlambeauMine.pdf>

<Ecosystem letter map.pdf>

<MDNR Species.pdf>

<EMAILSNANCYDOUGLAS.pdf>

<indiantriberesolutions.pdf>

<resolutionspassedmap.jpg>

<Crooked press release.pdf>

<MenomineeIndianPacket.pdf>